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Hon. Christian F. Hummel  
United States Magistrate Judge  
Northern District of New York  
445 Broadway, Room 441  
Albany, New York 12207

October 10, 2023

**RE: Danny Farrington v. Sgt. Michael Poole, et al.**  
**Civil Index No 9:22-CV-356 (GTS/CFH)**

Dear Judge Hummel:

I represent the Albany County Defendants, in the above referenced matter. I write to the Court to provide an update regarding the letter which I placed on the docket this past Friday, October 6, 2023. (See Dkt. No. 45 & Dkt. No.45-1).

Previously, the medical provider had indicated that they had no records of treatment for Sgt. Michael Poole in their system. (See Dkt. No.45-1). Yesterday, during the period that our County offices were closed for the holiday, I received the attached email from a representative from "Capital Counseling" and "Capital District EAP" reversing their position. (See Attached Ex. A). In short, the email indicates that, upon further review by their office, they have in fact located medical records of Sgt. Michael Poole responsive to the County Defendant's initial demand. The medical provider subsequently provided me with a copy of the medical records at issue.

Accordingly, I respectfully withdraw my previous request for a conference on the issue. That request was made in light of the approaching deadline, as well as the information I had from the medical provider as of October 6, 2023. I will be filing the medical record I have received from the provider under seal and under separate cover as previously directed by the Court. (See Text Order dated September 11, 2023).

Should the Court have any questions please do not hesitate to contact me.

Sincerely,

/s/ Kevin M. Cannizzaro

KEVIN M. CANNIZZARO, ESQ. *of Counsel*  
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CC:

**Via ECF**

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